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Attorneys for Plaintiffs
 SPIRO KAMAR, JAMES MITCHELL, ARIANN
 PARTIDA, TERRAL JAMES SMITH,
 JOEVANNY SOLORIO and ERIC VELASCO,
 individuals, on behalf of themselves and all others
 similarly situated

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

SPIRO KAMAR, JAMES MITCHELL,
 ARIANN PARTIDA, TERRAL JAMES
 SMITH, JOEVANNY SOLORIO and
 ERIC VELASCO, individuals, on behalf
 of themselves and all others similarly
 situated,

Plaintiffs,

v.

RADIO SHACK CORPORATION,
 TANDY CORPORATION AND DOES 1
 THROUGH 50, inclusive,

Defendants.

NO. CV07-02252 AHM (AJWx)

Date: 6/6/2011
 Time: 10:00 a.m.
 Ctrm: 14

Hearing Judge: The Hon. A. Howard
 Matz

MEMORANDUM OF POINTS AND
 AUTHORITIES IN SUPPORT OF
 PLAINTIFFS' MOTION TO SET A
 STATUS CONFERENCE

[Filed concurrently with the
 Declaration of Hilary M. Goldberg]

MEMORANDUM OF POINTS AND AUTHORITIES

I.

INTRODUCTION

Plaintiffs respectfully request that this Court set a status conference pursuant
 to Fed. R. Civ. P. 16(a) in order to set further scheduling to guide the parties in
 litigating this complex matter. Plaintiffs further seek to discuss the resolution of the
 briefing regarding legal issues currently pending before this Court, as well a schedule

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1 concerning Plaintiff's proposed randomly selected statistical sample consistent with
 2 this Court's order approving methods of common proof, including surveys of a
 3 randomly selected sample and statistical sampling. *Kamar v. Radio Shack Corp.*, 254
 4 F.R.D. 387 (C.D. Cal. 2008) *aff'd sub nom. Kamar v. RadioShack Corp.*, 375 F.
 5 App'x. 734 (9th Cir. 2010).

6 **A. Procedural History**

7 On March 1, 2009, Plaintiffs filed a class action lawsuit alleging that
 8 Defendant RadioShack failed to pay required reporting time and split shift premium
 9 pay. On January 6, 2009, this Court granted Plaintiffs' motion for class certification.
 10 On May 6, 2010, the Ninth Circuit Court of Appeals entered an order affirming this
 11 Court's class certification order.

12 On August 16, 2010, the parties submitted briefings regarding legal issues as
 13 ordered by the Court. On September 27, 2010, this Court conducted a hearing on the
 14 briefs re: legal issues and ordered the parties to submit a joint report to include
 15 hypothetical examples of the application of the parties' positions as set out in their
 16 briefing. The joint report was filed October 18, 2010.

17 On March 17, 2011, RadioShack filed a notice of new authority relevant to
 18 Defendant's briefing of legal issues. On March 21, 2011, Plaintiffs filed a
 19 responsive brief.

20 **B. Meet And Confer Efforts**

21 Counsel for Plaintiffs' repeated attempts to meet and confer with defense
 22 counsel have been rebuffed. Counsel for Plaintiffs, Ms. Goldberg, left a detailed
 23 voice message for defense counsel, Mr. Paley, on March 15, 2011. (Goldberg Decl.
 24 ¶ 2.) Her call was not returned. On March 15, 2011, Ms. Goldberg wrote to Mr.
 25 Paley (with a copy to his associate, Ms. Reathaford) again articulating Plaintiffs'
 26 request to enter a stipulation to set a status conference. (Goldberg Decl. ¶ 3.) On
 27 March 24, 2011, Ms. Goldberg forwarded the March 15, 2011, email to both Mr.
 28 Paley and Ms. Reathaford, noting that she had not received a response and "writing

1 to meet and confer concerning a proposed stipulation to get a status conference on
 2 schedule.” In the email, Ms. Goldberg advised, “[p]lease be advised that if we don’t
 3 hear from you, we will proceed with a noticed motion to set a status conference.”
 4 (Goldberg Decl. ¶ 3.) To date, Ms. Goldberg has not received a substantive response
 5 to her phone message or to her March 15, 2011, or March 24, 2011, emails.
 6 (Goldberg Decl. ¶¶ 5-6.)

7 II.

8 THIS COURT HAS THE AUTHORITY TO SET A STATUS CONFERENCE

9 Fed. R. Civ. P. 16(a) provides:

10 In any action, the court may order the attorneys and any
 11 unrepresented parties to appear for one or more pretrial conferences for
 12 such purposes as:

- 13 (1) expediting disposition of the action;
- 14 (2) establishing early and continuing control so that the case will not be
- 15 protracted because of lack of management;
- 16 (3) discouraging wasteful pretrial activities;
- 17 (4) improving the quality of the trial through more thorough preparation;
- 18 and
- 19 (5) facilitating settlement.

20 Plaintiffs respectfully request that this Court set a status conference pursuant
 21 to Fed. R. Civ. P. 16(a) in order to set further scheduling to guide the parties in
 22 litigating this complex case, and to discuss the resolution of the extensive briefing of
 23 legal issues currently pending before this Court. Further, Plaintiffs seek to discuss
 24 methods of common proof in preparation for trial and establish damages, including
 25 potential for a statistically significant sample of the class list consistent with this
 26 Court’s order approving methods of common proof, including surveys of a randomly
 27 selected sample and statistical sampling. *Kamar v. Radio Shack Corp.*, 254 F.R.D.
 28 387 (C.D. Cal. 2008) *aff’d sub nom. Kamar v. RadioShack Corp.*, 375 F. App’x. 734

1 (9th Cir. 2010).

2 **III.**

3 **CONCLUSION**

4 Based on the foregoing, Plaintiffs respectfully request that this Court set a
5 scheduling conference at its earliest convenience.

6
7 Dated: April 27, 2011

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8
9 By: /s/ André E. Jardini

10 André E. Jardini
11 Attorneys for Plaintiffs
12 SPIRO KAMAR, JAMES
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